

*City Clerk*  
*file*  
In the City Council  
City of Lodi  
Lodi, California

ORDINANCE NO. 474

AN ORDINANCE OF THE CITY OF LODI  
CREATING AND ESTABLISHING A PER-  
SONNEL SYSTEM AND REPEALING OR-  
DINANCES NO. 276 AND NO. 305

The City Council of the City of Lodi does ordain as follow.

Section 1. **ADOPTION OF PERSONNEL SYSTEM.** Pursuant to the authority granted to the legislative body of any city within the State of California under the provisions of Chapter 1, Division 5, Title 4, of the Government Code, and in order to establish an equitable and uniform procedure for dealing with personnel matters and to place municipal employment on a merit basis so that the best qualified persons available shall be brought into service of the City, the following **personnel** system is hereby adopted, and the provisions of this ordinance shall **apply** to all offices, positions and employments,

Section 2. **CLASSIFIED SERVICE.** The **classified** service shall consist of all employees **except:**

- (a) Officers appointed by the City Council
  - (b) Department heads
  - (c) All part-time employees
  - (d) Employees paid on an hourly or per diem basis
- and employees who do seasonal work,

Section 3. STATUS OF **PRESENT EMPLOYEES**. Any person holding an office, position or employment included in the classified service **who**, on the effective date of this ordinance, shall have served continuously in such position for a period of at least six months **immediately** prior to such effective date, shall assume regular status in the classified service in the position held on such effective date without preliminary examination or **work-**ing tests and shall thereafter be subject in all respects to the provisions of **this** ordinance.

Any other persons holding positions or employments in the classified service shall be regarded **as** holding their positions or employments as probationers **who** are serving out the balance of their probationary periods before obtaining regular status.

Section 4. **APPOINTING AUTHORITIES**. The appointing authorities are the City Council, in the case of the City Manager, City Attorney, City **Clerk** and City Treasurer, the Library Board, in the case of Library employees, and the City Manager, for all other employees. These appointing authorities, in **whom** is vested by **law** the power to make appointments, transfers, **promo-**tions, demotions, reinstatements, lay-offs, and to suspend **or** dismiss employees, shall retain such power, subject to the provisions of this ordinance and the rules established hereunder,

Section 5. **CITY MANAGER**. The City Manager shall:

(a) Administer **all** provisions of this ordinance and the **rules** established hereunder not specifically reserved to other authorities.

(b) Attend **all** meetings of the Personnel Board.

(c) Formulate rules **and** regulations and amendments, to be approved by resolution of the City Council, establishing specific procedures to govern all phases of the personnel program, to include:

- (1) The preparation, installation, revision and maintenance of a position classification plan.
- (2) The preparation, installation, revision and maintenance of a salary and wage plan,
- (3) The public announcement of vacancies and examinations **and** the acceptance of applications for employment.
- (4) The preparation and conduct of examinations and the establishment and use of employment lists containing names of persons eligible for appointment.
- (5) The certifications and appointments of **persons** from employment **lists** to fill vacancies and the making of temporary and emergency appointments.
- (6) The evaluation of employees during the probationary period.
- (7) The transfer, promotion and demotion of employees.
- (8) The separation from the service of employees through lay-off, suspension, dismissal and for incapacity to perform required duties.
- (9) The standardization of hours of work, attendance and leave regulations, working

conditions and the development of employee morale, welfare and training.

(10) **The** maintenance and **use** of necessary records and forms,

Section 6. **PERSONNEL BOARD OF REVIEW.** There is **hereby** created **a** Personnel Board of **Review** which **shall** consist of three members to **be** appointed **by** the City Council. This **Board** shall supersede the Board created **under** the provisions of Ordinance No. 276. Vacancies on **the** Personnel **Board**, from whatever cause, shall be filled by appointment **by** the City Council.

The first Board to be appointed hereunder shall at **its** **first** meeting **so** classify its members by lot that one shall serve for a term which **shall** expire June 30, 1955, and two shall serve **for** a term which **shall** expire June 30, 1957. At the expiration of the terms so determined, successors shall be **appointed** for **a** term of four years.

The members of the Personnel Board **shall** be qualified electors of said City and shall serve without compensation, No **person** shall be appointed to said **Board** who holds any position with the City of Lodi, nor shall any member while a **member of the Board** be eligible for appointment to any position with the City of Lodi.

Section 7. **DUTIES OF THE PERSONNEL BOARD.** As provided by this ordinance and by rule, the Board shall hear appeals submitted by any person in the classified service relative to any **situation** connected with his employment **status** or condition of **employment**, and shall submit **a** written statement of facts,

findings and recommendations to the appointing authority **from** whose action **or** decision **the** appeal was made. Such recommendations shall be advisory only. The findings and recommendations of **the** Board and any action taken by the appointing authority **shall be final** and conclusive and shall not be reviewable in any **court,**

Section 8. **POWER TO SUBPOENA WITNESSES.** In any investigation or hearing conducted by the Board, **it** shall have **the** power to examine witnesses under oath and compel their attendance or the production of evidence before **it** by subpoena issued in the **name** of the *City*. **It shall** be the duty of **the** Chief of Police to **cause** all such subpoenas to be served and refusal of a person to attend **or** testify in answer to such a subpoena shall subject said person to prosecution in the manner set forth by law for failure to appear **before the** City Council in response to a subpoena issued by the City Council. Each member of the Personnel Board shall have the power to administer oaths to witnesses.

Section 9. **POLITICAL, RACIAL AND RELIGIOUS DISCRIMINATION.** No person in **the** competitive service, or seeking admission thereto, shall **be** employed, promoted, demoted or discharged, or **in any** way favored or discriminated against because of political opinions or affiliations or because of race or religious belief,

Section 10. **POLITICAL ACTIVITY.** **Any** person holding an office or employment in any department placed by the legislative body under a merit system or civil service system shall not:

(a) **Seek** or accept election, nomination, or appointment as an officer of a political club or organization.

(b) Take an active part in a county or municipal political campaign.

(c) **Serve** as a member of a committee of such club, organization or circle,

(d) Seek signatures to any petition provided for by any law.

(e) Act **as** a worker at the polls or distribute badges, pamphlets, dodgers or handbills of any kind favoring or opposing any candidate for election or nomination to a county or city office.

This section does not prevent any officer or employee **from:**

(a) Becoming or continuing to be a member of a political club or organization.

(b) Attendance at a political meeting.

(c) Enjoying entire freedom from all interference in casting his vote.

(d) Seeking or accepting election or appointment to public office.

(e) Seeking signatures to any initiative or referendum petition directly affecting his rates of pay, **hours** of work, retirement, civil service or other working conditions,

(f) Distributing **badges**, pamphlets, dodgers, or handbills or other participation in any campaign in connection with **such** petition, if the activity **is not** carried on during hours of **work**, or when he is dressed in the uniform required in any department of the City government,

The practice of making gifts or rendering uncompensated service to any officer or employee of the City where such action could or might affect the donor's status in the City employment is prohibited.

Section 11. PENALTY FOR VIOLATION. Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not more than \$500.00 or by imprisonment in the City Jail for a period of not more than six months or by both such fine and imprisonment. In addition, violation of any provision herein contained by an employee of the City of Lodi shall be deemed to be sufficient grounds for discharge, suspension, fine, demotion or other disciplinary action.

Section 12. CONFLICTING PROVISIONS REPEALED. Ordinances Nos. 276, 305 and all other ordinances and resolutions of the City of Lodi, sections, or sentences thereof, in conflict with this ordinance and any rules and regulations promulgated hereunder are hereby declared repealed,

Section 13. SEVERABILITY. If any portion of this ordinance is for any reason held to be unlawful or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and every portion thereof irrespective of the fact that any portion be declared unlawful or unconstitutional.

Section 14. EFFECTIVE DATE. This ordinance shall take effect; on and after \_\_\_\_\_

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 1953.

\_\_\_\_\_  
MAYOR OF THE CITY OF LODI

ATTEST:

\_\_\_\_\_  
City Clerk

